

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HOOVER REYNOLDS, #133254,)	
)	
Petitioner,)	
)	
v.)	CASE NO. 2:05-CV-448-F
)	WO
T. McDONALD, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER

On May 18, 2005 (Doc. 4), the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED that the Recommendation is adopted and that the instant § 2254 petition for habeas corpus relief is denied and this case dismissed as the petitioner failed to obtain the requisite order from the Eleventh Circuit Court of Appeals authorizing this court to consider a successive habeas petition.¹

DONE this the 27th day of June, 2004.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE

¹The court notes that any §2254 petition filed by the petitioner is likewise subject to the one-year period of limitation contained in 28 U.S.C. § 2244 (d)(1). Moreover, the court finds that there are not circumstances present in this case which “would entitle [Reynolds] in the interest of justice to transfer [pursuant to 28 U.S.C. § 1631] or stay. . . because the limitations period had already expired before [he] filed” the instant habeas action. *Guenther v. Hold*, 173 F.3d 1328, 1330-1331 (11th Cir. 1999).

